



GABRIEL P. HARVIS  
BAREE N. FETT

October 22, 2015

BY ECF

Honorable Katherine B. Forrest  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Holmes v. City of New York, et al.*, 14 CV 10232 (KBF)

Your Honor:

I represent plaintiff in the above-referenced action. I write in response to the Court's order dated October 21, 2015.

Plaintiff appreciates defense counsel's recent efforts to provide the outstanding discovery. Given defendants' substantial, albeit regrettably late, compliance with the Court's orders and their discovery obligations, plaintiff agrees with the Court and respectfully requests that the sanctions order be vacated without prejudice to a renewed application from plaintiff in the future.

However, defendants' prolonged delay in making disclosures has cost plaintiff at least seven weeks of the discovery period, and fact discovery is presently scheduled to close on November 13, 2015, twenty-two days from today. Plaintiff further notes that a significant amount of material remains outstanding from defendants and there are as many as ten fact witnesses to the events, including the individual defendants, for plaintiff to then depose.

Under these circumstances, plaintiff respectfully requests that: 1) plaintiff be permitted a 30-day extension of fact discovery, but that fact discovery for defendants close as scheduled on November 13<sup>th</sup>; 2) defendants be required to produce the

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Oct. 22, 2015

remaining documents by a date certain within two weeks; and 3) the sanctions now being vacated be held in abeyance pending defendants' compliance with the proposed final production deadline.

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel P. Harvis

cc: ACC Pernell M. Telfort, Esq.